

City of Boulder Draft MJ license offenses penalty schedule

City Law Violation

Recommended Penalty

For Medical Marijuana wellness centers only, not having a private consultation room or not offering other holistic offerings at licensed location	First count-\$2,000 fine, Second offense- \$3,500, Third offense-\$5,000 fine, Fourth offense- revocation
No approved business manager or owner on-site	First count- \$2,000 fine, Second Offense- \$3,500 fine, Third Offense-\$5,000 fine, Fourth offense- revocation
Uncooperative with PD with inspections or investigations or misrepresentation to regulators	First count-\$2,000 fine, Second offense- \$3,500, Third offense-\$5,000 fine, Fourth offense- revocation
Refusal to allow city inspections or premise access	First count-\$2,000 fine, Second offense- \$3,500, Third offense-\$5,000 fine, Fourth offense- revocation
Storing Plants or Product in an unlicensed premises	First count- \$3,500 fine, Second Offense- \$5,000 fine, Third Offense-revocation
Not making disposed of MJ unusable and unrecognizable and not locking disposal dumpsters	First count- \$3,500 fine, Second Offense- \$4,000 fine, Third offense- \$5,000 fine, Fourth Offense-revocation
Illegal ad, coupon, sign or banner	First count- \$1,000 fine, Second Offense- \$2,500 fine, Third Offense-\$3,000 fine, Fourth offense- \$5,000 fine, Fifth offense-revocation
Unsealed MJ possession by employees or acceptable of samples by employees without proper transport documents	First count- \$1,000 fine, Second Offense- \$2,500 fine, Third Offense-\$3,000 fine, Fourth offense- \$5,000 fine, Fifth offense-revocation
MJ product not properly packaged for removal or transport or MIP products not properly labeled	First count- \$1,000 fine, Second Offense- \$2,500 fine, Third Offense-\$3,000 fine, Fourth offense- \$5,000 fine, Fifth offense-revocation
Unapproved goods also sold	First count- \$1,000 fine, Second Offense- \$2,500 fine, Third Offense-\$3,000 fine, Fourth offense- \$5,000 fine, Fifth offense-revocation
Sale of LLC shares or corporate stock in Boulder business or adding officers/managing members without proper and complete 30 day pre-file with the city	First count-\$2,000 fine, Second offense- \$3,500, Third offense-\$5,000 fine, Fourth offense- revocation
Secure dispensing area not locked or restricted licensed location unlocked	First count-\$2,000 fine, Second offense- \$3,500, Third offense-\$5,000 fine, Fourth offense- revocation
MJ product transport details not emailed to BPD and email bounce back not printed for transportation by licensee	First count-\$2,000 fine, Second offense- \$3,500, Third offense-\$5,000 fine, Fourth offense- revocation
ID scanner not used or results not properly observed	First count- \$1,000 fine, Second Offense- \$2,500 fine, Third Offense-\$3,000 fine, Fourth offense- \$5,000 fine, Fifth offense-revocation
Processing at store, or illegal processing at a grow instead of a MIP licensed location	First count-\$2,000 fine, Second offense- \$3,500, Third offense-\$5,000 fine, Fourth offense- revocation
Failure to abide by neighborhood responsibility plan	First count-\$2,000 fine, Second offense- \$3,500, Third offense-\$5,000 fine, Fourth offense- revocation

Refusing to remove business manager from management when background is unapproved by city	First count- \$1,000 fine, Second Offense- \$2,500 fine, Third Offense- \$3,000 fine, Fourth offense- \$5,000 fine, Fifth offense- revocation
View obstruction of sales or storage of MJ not observed	First count- \$1,000 fine, Second Offense- \$2,500 fine, Third Offense- \$3,000 fine, Fourth offense- \$5,000 fine, Fifth offense- revocation
Unapproved permanent modification of licensed premise without first having city approval	First count- \$3,500 fine, Second Offense- \$5,000 fine, Third Offense- revocation
Failure to remedy in pattern of odor complaints	First count- \$2,000 fine, Second offense- \$3,500, Third offense- \$5,000 fine, Fourth offense- revocation
On-premise consumption by customers	First count- \$2,000 fine, Second offense- \$3,500, Third offense- \$5,000 fine, Fourth offense- revocation
On-premise consumption by employees, managers or owners	First count- \$3,500 fine, Second Offense- \$5,000 fine, Third Offense- revocation
Use of unapproved locking storage that does not qualify as a safe	First count- \$2,500 fine, Second offense- \$3,500, Third offense- \$5,000 fine, Fourth offense- revocation
Not locking product or receipts in a safe for overnight storage	First count- \$3,500 fine, Second Offense- \$5,000 fine, Third Offense- revocation
Video unavailable, cameras not working or 30 days video off-site storage copy unavailable	First count- \$3,500 fine, Second Offense- \$5,000 fine, Third Offense- revocation
Allowing someone under the age of 21 years into secure dispensing area of RMB sales location	First count- \$3,500 fine, Second Offense- \$5,000 fine, Third Offense- revocation
Sale of MJ product to person under 21 years of age in a failed compliance check or other event	First count- \$4,00 fine, Second Offense- \$5,000 fine, Third Offense- revocation

Suspensions resulting in the above amount of lost revenue matching the fine amount are more likely applied to store locations where closure for a specific number of days can be confirmed by law enforcement

The opportunity for a licensee under city letter of revocation to sell a business to an already approved Boulder licensee with a good enforcement history and prior approved background checks may be offered on a case by case basis in balance to the seriousness of the violations, repeated violations or lack thereof, and if the ability to sell a business to save from revocation has not been offered to that same licensee before.

* Please note: it is considered a mitigation factor if an offense is a first offense with a single count and also if MJ licensees contacts the city with a plan for future compliance so that local law will not again be violated in future

** Please also note: it is considered as an aggravating factor if it is a multiple counts offense or a repeat offense, if it is a violation second offense and beyond, if the legal requirement has been prior explained to the licensee and a violation still occurs, or if the licensee does not contact the city to present a plan for future compliance to avoid repeat violations